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The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). Plaintiff contends that he tried to exhaust administrative remedies, but was unable to complete the process because the warden did not provide him with a written response to the grievance. Prison regulations provide that, if an inmate does not receive a response within the time allotted for reply, the inmate may consider the absence

of a response to be a denial at that level. 28 C.F.R. § 542.18. When the plaintiff did not receive a timely reply, he should have proceeded to the next level of the grievance procedure. Instead, he did nothing. Therefore, after careful consideration, the court concludes the objections are without merit.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 18th day of January, 2006.

A handwritten signature in cursive script, reading "Marcia A. Crone".

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE